

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2018 SEP 14 AM 9:12

CLERK  


BY \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES OF AMERICA,  
Plaintiff

v.

ROBERT BONNELL,  
Defendant.

Docket No.

2:18-cv-148

**COMPLAINT**

The United States of America, by its attorney, Christina E. Nolan, United States Attorney for the District of Vermont, respectfully submits its Complaint against defendant, Robert Bonnell, and hereby alleges the following:

**Parties, Jurisdiction, and Venue**

1. Plaintiff, the United States of America, is proceeding in its sovereign capacity.
2. The Defendant, Robert Bonnell, resides at 103 Mills Drive, Bethel, Vermont 05032.
3. Jurisdiction is proper under 28 U.S.C. § 1345 and 42 U.S.C. § 404(a)(1)(A).
4. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) since Robert Bonnell resides in this judicial district.

**Facts**

5. The Defendant is indebted to the United States in the principal amount of \$15,949.00. See Exhibit A, attached hereto and incorporated herein by reference.
6. The Defendant received Title II disability payments from the United States Social Security Administration ("Social Security").

7. On or around June 7, 2013, Social Security sent notice to Robert Bonnell that his employment, beginning in October 2011, ceased his entitlement to continuing disability benefits.

8. The cessation of Robert Bonnell's right to disability benefits during his employment resulted in an overpayment of \$15,949.00 in Social Security benefits.

9. On July 25, 2017, Social Security made a final demand on Robert Bonnell for full repayment, but the amount due remains unpaid.

**Cause of Action**

10. The Social Security Act provides that “[w]ith respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall...require such overpaid person or his estate to refund the amount in excess of the correct amount[.]” 42 U.S.C. § 404(a)(1)(A).

11. The United States is entitled to recover payments made to Robert Bonnell based on the mistaken fact that he was entitled to receive Title II disability benefits.

12. After crediting all past payments and offsets, Robert Bonnell is indebted to the United States for the amount of \$15,949.00 in overpayments of social security benefits to Robert Bonnell.

WHEREFORE, the United States demands judgment against the Defendant for:

- 1) the amount of \$15,949.00;
- 2) costs of these proceedings;
- 3) post-judgment interest, pursuant to 28 U.S.C. § 1961; and
- 4) any further relief the Court deems proper

Dated at Burlington, in the District of Vermont, this 14<sup>th</sup> day of September, 2018.

Respectfully submitted,

UNITED STATES OF AMERICA

CHRISTINA E. NOLAN  
United States Attorney

By: 

MELISSA A.D. RANALDO  
Assistant U.S. Attorney  
P.O. Box 570  
Burlington, VT 05402-0570  
(802) 951-6725  
[Melissa.Ranaldo@usdoj.gov](mailto:Melissa.Ranaldo@usdoj.gov)

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF CENTRAL OPERATIONS  
1500 WOODLAWN DR  
BALTIMORE, MARYLAND 21241

CERTIFICATE OF INDEBTEDNESS

Claim No. XXX-XX-7014

Debtor Name and Address:  
ROBERT G BONNELL  
103 MILLS DRIVE  
BETHEL, VE 05032

Total debt due to the United States as of September 13, 2018 is \$15,949.00

I certify that the Social Security Administration records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with an overpayment of Social Security benefits.

Section 204(f)(1) of the Social Security Act provides that, with the respect to any delinquent amount owed by an individual, the Commissioner of Social Security may use the collection practices described in Sections 3711(f), 3716, 3717 and 3718 of Title 31, United States Code, and in section 5514 of Title 5 United States Code, all as in effect immediately after the enactment of the debt Collection improvement Act of 1996.

Section 216(i) of the Social Security Act, as pertinent here, provides for the establishment of a period of disability that shall begin on the day that the disability begins. Section 223 of the Social Security Act, as pertinent here, provides for the payment of disability insurance benefits until the termination month. As amended in 1965, both sections define "disability" (except for certain cases of blindness) as "an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

Section 223(a)(1) of the Act, as pertinent here, states that the termination month shall be the third month following the earliest month in which an individual engages or is determined able to engage in substantial gainful activity.

Section 223(e) of the Act, as pertinent here, states that no benefit shall be payable to an individual for any month, after the third month, in which he engages in substantial gainful activity during the 36-month period following the end of his trial work period.




Our Records show that Robert G. Bonnell was paid benefits when he was not entitled to them due to his work and earnings from October 2011 through June of 2013.

Our records indicate the debtor returned to work and had the following earnings: \$12,498.21 in 2011, \$27,897.09 in 2012 and \$27,620.64 in 2013. The debtor continued to collect Social Security disability payments from October 2011 through June 2013 while earning over the allowable amount as shown above.

The claimant has been receiving Disability benefits for many years and is aware of our rules. The claimant was previously overpaid in 2001, 2002-2003, and 2004-2005 and our office provided a detailed explanation of reporting responsibilities when he first was overpaid prior to 2011.

CERTIFICATION: Pursuant to 28 USC Section 1746, I certify under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Claims Authorizer for  
Jamie Lucero  
Associate Commissioner  
Office of Central Operations

Date: September 13, 2018

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> <div style="text-align: center; margin-top: 10px;">United States of America</div> <b>(b) County of Residence of First Listed Plaintiff</b> _____ <div style="text-align: center; font-size: small;">(EXCEPT IN U.S. PLAINTIFF CASES)</div> <b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b> Melissa A.D. Ranaldo, AUSA, U.S. Attorney's Office, P.O. Box 570, Burlington, VT 05402, (802) 951-6725	<b>DEFENDANTS</b> <div style="text-align: center; margin-top: 10px;">Robert Bonnell</div> <b>County of Residence of First Listed Defendant</b> <u>Windsor</u> <div style="text-align: center; font-size: small;">(IN U.S. PLAINTIFF CASES ONLY)</div> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known)
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only) <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff </div> <div style="width: 48%;"> <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <input type="checkbox"/> 2 U.S. Government Defendant </div> <div style="width: 48%;"> <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) </div> </div>	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <table style="width: 48%; font-size: small;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> </tr> </table> <table style="width: 48%; font-size: small;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table> </div>		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3		PTF	DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)					
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<table style="width: 100%;"> <tr> <th style="width: 50%;">TORTS</th> <th style="width: 50%;">FORFEITURE/PENALTY</th> </tr> <tr> <td style="vertical-align: top;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury - Medical Malpractice </td> <td style="vertical-align: top;"> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 690 Other    <b>LABOR</b>  <input type="checkbox"/> 710 Fair Labor Standards Act  <input type="checkbox"/> 720 Labor/Management Relations  <input type="checkbox"/> 740 Railway Labor Act  <input type="checkbox"/> 751 Family and Medical Leave Act  <input type="checkbox"/> 790 Other Labor Litigation  <input type="checkbox"/> 791 Employee Retirement Income Security Act    <b>IMMIGRATION</b>  <input type="checkbox"/> 462 Naturalization Application  <input type="checkbox"/> 465 Other Immigration Actions </td> </tr> </table>	TORTS	FORFEITURE/PENALTY	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions
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**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. 404(a)(1)(A)

Brief description of cause:  
Complaint seeking judgment on SSA overpayment

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**  
15,949.00

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 9/14/18 SIGNATURE OF ATTORNEY OF RECORD Melissa A.D. Ranaldo

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE 1033

2:18-cv-148